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美国专利诉讼的特点和发展趋势——兼论对中

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Characteristics and Trends of the U.S. Clean Energy Patent Litigations and Its Implications for China

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中文摘要:

清洁能源竞赛中,专利诉讼不仅是保护知识产权的司法救济,也是限制竞争对手进入新能源市场的商业手段。实力雄厚的跨国企业是清洁能源专利诉讼的主角;ITC的337调查与法院的专利侵权诉讼并举是清洁能源专利诉讼的主要策略;反垄断诉讼是抑制竞争对手专利滥诉的有效手段;在先技术的司法认定是清洁能源专利诉讼的争议焦点;司法力量的增强和专业化是应对新型专利诉讼的时代需求。梳理通用电气与三菱重工之间在风力涡轮产业的专利诉讼脉络,论述美国清洁能源专利诉讼案件的特点以及发展趋势,以期为中国的企业和政策制定者参与清洁能源竞赛、应对清洁能源专利诉讼提供借鉴。

English Summary:

In the clean energy race, patent litigation is not only the judicial relief for the protection of intellectual property rights, but also a commercial means to restrict competitors to enter the new energy market. Powerful multinationals are the main participants in green patent litigations; ITC 337 investigation combined with patent infringement lawsuits is the major strategy in clean energy patent litigation; antitrust litigation is an effective means to fight against patent litigation abuse; the judicial determination on prior art is still the focus of clean energy patent disputes; the expertise of federal judges is enhanced to hear the new patent cases. By analyzing the patent litigations between General Electric and Mitsubishi in the wind turbine industry to discuss the characteristics and trends of the U.S. clean energy patent litigations, this study attempts to provide some references to China's enterprises and policy makers in participation of clean energy race and clean energy patent litigations.

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